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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,726	09/29/2003	Bryce Xiaobo Xue	71125	1922

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McGLEW AND TUTTLE, P.C.
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-0827

EXAMINER

CHIANG, JACK

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,726

Applicant(s)

XUE, BRYCE XIAOBO

Examiner

Jack Chiang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CLAIMS

112 Second Paragraph Rejection

1. Claim 22 recites the limitation "said base" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Art Rejection

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9, 11-18, 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nogas et al. (US 6351535).

Regarding claim 1, Nogas shows:

A housing (16) with a stand pivot mount (40) and a fixing surface (see 64);

A single piece stand (20) connected to the pivot mount (34) for pivoting movement between a first end position (fig. 1) and a second end position (fig. 2);

A resilient engagement member with an engagement surface (22, 58), the member having an engagement surface normal position and being flexible to move the engagement surface out of the normal position (see figs. 7-8);

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The engagement surface (22, 58) for engaging the fixing surface (see 64) in the normal position to set the stand (20) at an angular position relative to the housing (16, fig. 4) from a plurality of settable positions between the first end position (fig. 1) and the second end position (fig. 2) and being movable to adjust the angular position (figs. 4-5) of the stand (20) relative to the housing (16).

Regarding claim 11, Nogas shows:

A housing (16) with a stand pivot mount (40) on the bottom side, and with an interaction surface (12) on the top side;

A single piece stand (20) having a first end (see 34) connected to the housing (16) via the pivot mount (34) and pivoting relative to the housing (16) about the pivot mount (4) through a range of angular positions (figs. 1-2), the stand (20) having a second end (opposite to 34) with surface engagement areas for engagement with a support surface (i.e. desk top);

Latch means (62, 64) for setting the stand (2) at an angular position (figs. 1-2).

Regarding claims 2-7, 9, 12-18, 20-21, Nogas shows:

Ridge with a leading edge and a trailing edge (see 24), and grooves with complementary leading and trailing edges (see 22, see also figs. 9-10);

A ratchet structure (see 62, 64);

A finger catch (see 50 in fig. 8) and its latching and releasing (figs. 9-10);

First and second legs (54);

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The curved and concave engagement and fixing surface (see 22, 24);

First to fourth cooperating hinge mounting parts (46, 40, 30, 46) and first and second hinge parts (34);

The latch includes housing groove teeth and complementary stand teeth (62, 64); and

The stand (20) can comprises a plastic portion (col. 3, line 48) and a resilient portion which is generic for thermoplastic elastomer portion (col. 3, lines 31-32).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 19, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nogas in view of Jarrett (US 5432836).

Regarding claims 8, 19, 22, Nogas shows:

A housing (16) with a pivot mount (40), a fixing surface (see 64);

A support piece (20) connected to the base via the pivot mount (40) for pivoting movement between a wall mount position (fig. 1) and an extended position (fig. 2);

The support piece (20) includes an engagement surface (22, 58), which engages the fixing surface (see 64) to fix the support piece (20) at an angular position between the wall mount position (fig. 1) and the extend position (fig. 2).

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Nogas differs from the claimed invention in that it does not explicitly mention that the housing has a first wall mount receiving portion, and the support piece has a second wall mounting receiving portion.

However, Nogas has taught the concept of the wall mounting. Further, Jarrett teaches providing a housing has a first wall mount receiving portion (54-55), and a support piece has a second wall mounting receiving portion (50-51).

Hence, it would have been obvious for one of ordinary skill in the art to provide the wall mount receiving portions in Nogas's respective housing and support piece with the teaching of Jarrett, because the concept of providing a wall mounting is well taught by Nogas, whether these wall mount receiving portions are on the support piece, or on both the housing and the support piece would be considered as a variation of Nogas, because the basic concept of the wall mounting feature is substantially unchanged.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nogas in view of Gala et al. (US 4617428).

Regarding claim 10, Nogas shows the stand (20).

Nogas differs from the claimed invention in that it does not show a cable guide.


However, Gala teaches providing a stand having a cable guide (13) for a telephone.

Hence, it is understood that Nogas' telephone would have a cable, therefore, it would have been obvious for one of ordinary skill in the art to modify Nogas' stand with a cable guide as taught by Gala, such that to allow the cable to route through the telephone or to manage the telephone cable (col. 4, lines 27-30 in Gala).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 571-272-7483. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
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